

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 07 CR 43
v.)	
)	Judge David H. Coar
JOSEPH DONELSON)	

NOTICE OF FILING

To: Mr. Steven Dollear
Assistant United States Attorney
219 S. Dearborn Street
Chicago, IL 60604

Please take notice that on this 9th day of April, 2007, the undersigned filed the following document(s) in the above captioned cause, a copy of which is attached hereto:

– **DEFENDANT’S MOTION FOR COMPETENCY EVALUATION**

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/Matthew J. Madden
Matthew J. Madden

MATTHEW J. MADDEN
FEDERAL DEFENDER PROGRAM
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Chicago, IL 60603
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DEFENDANT'S MOTION FOR COMPETENCY EVALUATION

Defendant JOSEPH DONELSON, by the FEDERAL DEFENDER PROGRAM and its attorney MATTHEW J. MADDEN, moves pursuant to 18 U.S.C. § 4241 (a) and (b) for entry of an order that a psychiatric examination of the defendant be conducted to determine his mental competency to stand trial. In support of this motion, defendant states as follows:

1. Under 18 U.S.C. §4241, this court must order a hearing to determine the mental competency of a defendant if there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Prior to such a hearing, §4241(b) states that a court may order that a psychiatric evaluation of the defendant be performed.

2. In his communications with defense counsel, Mr. Donelson has displayed behaviors which give defense counsel significant concern about Mr. Donelson's competency. Specifically, Mr. Donelson shows little interest in discussing the

discovery or guidelines applicable to his case, and instead repeatedly states views that strike counsel as delusional, including the opinion that appointed counsel represents the interests of a foreign government rather than his own interests. Counsel's visit to the Metropolitan Correctional Center (MCC) on April 4, 2007 was cut off by Mr. Donelson after only a couple of minutes. He indicated that he no longer wished to speak with appointed counsel. In a later visit on April 6, Mr. Donelson reiterated the same views, which leads counsel to believe that he does not understand the reality of his current situation.

3. The combination of the indications listed above give defense counsel reasonable cause to believe that the defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It seems to defense counsel that the only prudent course of action is to have Mr. Donelson examined by a qualified expert in order to ascertain his competency to either stand trial or plead guilty.

4. As part of this motion, defense counsel requests an order directing the Bureau of Prisons to have a licensed psychiatrist perform an examination to determine Mr. Donelson's competency.

5. Finally, it is respectfully requested that time for filing any other pretrial motions be extended during the time that this examination is pending. Until it is determined whether or not Mr. Donelson is competent, no decisions about the ultimate

resolution of this case can be made. It does not make sense to force all parties concerned to deal with pretrial motions when such motions may ultimately be unnecessary.

WHEREFORE, defendant respectfully requests that this Court issue an order directing that Joseph Donelson be examined by a licensed or certified psychiatrist from the Bureau of Prisons who shall prepare and file with the Court, defense counsel and the government, a written report that includes:

- a) defendant's history and present symptoms;
- b) a description of the psychiatric, psychological, and medical tests that were employed, and their results;
- c) the examiner's findings;
- d) the examiner's opinions as to diagnosis and prognosis;
- e) an opinion as to whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy,
Executive Director

BY: s/Matthew J. Madden
Matthew J. Madden

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CERTIFICATE OF SERVICE

The undersigned, Matthew J. Madden, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CIV.P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

DEFENDANT'S MOTION FOR COMPETENCY EVALUATION

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on April 9, 2007, to counsel/parties that are non-ECF filers.

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